

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE STATE PRISONER LITIGATION : MISC. 92-27

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**THIRD REVISED MEMORANDUM AND ORDER**

In an effort to reduce the costs and improve and expedite the process by which service of process is obtained in civil rights actions brought by Maryland State prisoners, this Court, in co-operation with the Maryland Attorney General, various County Attorneys and private counsel representing corporate health care providers routinely involved in prisoner civil rights litigation, has devised a mechanism whereby counsel automatically accepts service of process for, or enters an appearance on behalf of, those individuals and entities named in prisoner complaints who currently are employed at the various prisons.

In recognition of counsels' need to check payroll records to determine the employment status of named defendants, and in light of the fact that counsel usually move for (and receive) extensions of time in which to determine whether service should be accepted and to prepare a response on behalf of the appropriate defendants, this Court expanded upon the original Memorandum and Order of March 4, 1992, to provide a procedure whereby all participating counsel are given an automatic extension of time in which to respond in these cases.

The Court has been apprised that the County Attorneys for

Montgomery, Harford and Baltimore Counties, following the lead of Prince George's County, as well as counsel for PHP, a contractual health care provider, seek to be included in this process, and will indicate acceptance of service of process for those individuals and entities named as defendants in pro se civil rights actions typically filed by detainees, prisoners and others who have come into contact with their law enforcement or corrections personnel and who currently are employed by their respective clients. An exception shall be made for those individuals and entities whose contracts of employment or inclusion in union bargaining agreements make automatic acceptance of process by others impossible. Counsel is asked to indicate those individuals and entities it will represent and those counsel cannot automatically represent by notifying the Court of same each time counsel receives a Fed. Rule 12(a) Order in a pending case.

Accordingly, it is this \_\_\_\_\_ day of \_\_\_\_\_, 1997 ORDERED, that in all cases as set forth above, as well as in all cases brought by prisoners in the State prison systems pursuant to 42 U.S.C. §1983:

1. All defendants for whom service of process is accepted by the Maryland Attorney General; Prison Health Systems, Inc.'s corporate representative; the law firm of Kramon & Graham; the law

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firm of Allen, Johnson, Alexander & Karp, P.A.; the Prince George's County Attorney; and the law firm of Anderson, Coe and King ARE DEEMED to have filed a motion for extension of time to respond to the complaint, with the response due no later than sixty (60) days after the date on which counsel first receives a copy of the complaint. To the extent that counsel accepts service on behalf of one or more defendants during the early stages of litigation, then later enters an

appearance on behalf of other defendants who required personal service, the sixty (60) period described herein begins to run from the first date on which service was accepted on behalf of any defendant; and

Unless otherwise ordered in a specific case, that motion  
for extension of time IS GRANTED.

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J. Frederick Motz, Judge  
For the Court